

1981 WL 158167 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 25, 1981

*1 James R. Metts
Sheriff
Lexington County Sheriff's Department
P.O. Box 639
Lexington, South Carolina 29072

Dear Jimmy:

In a letter to this office you referenced the problems at the Bush River Mall brought about by teenagers congregating in the parking lot. You mentioned that consideration is being given to posting signs, presumably pursuant to [Section 23-1-15, Code of Laws of South Carolina](#), 1976, as amended, which would indicate that such lot is within the jurisdiction of the Lexington County Sheriff's Department. You questioned whether Mall security officers may ticket vehicles and whether the revenue from any fines which may result from such action should be returned to the county treasurer or some other office.

Consideration should first be given to what activity may be controlled as a result of a parking lot being brought under police jurisdiction pursuant to [Section 23-1-15, supra](#). Such section provides that upon posting notice that the area is within police jurisdiction:

' . . . the law enforcement agency concerned shall have the authority to enforce all laws or ordinances relating to the unlawful operation of motor vehicles which such agency has with regard to public streets and highways immediately adjoining or connecting to the parking area,' (Emphasis added)

in such area posted. Therefore, it is evident that as a result of such posting of notice, the only laws which may be enforced are those laws relating to unlawful operation of vehicles on public streets and highways. Such section would not authorize the enforcement of any regulations, such as in regard to parking, promulgated by a mall itself.

As to the authority of security guards in such regard, Section 40-17-130, provides that individuals properly registered or licensed as security guards pursuant to [Sections 40-17-10, et seq., Code of Laws of South Carolina](#), 1976:

' . . . shall be granted the authority and power which sheriffs have to make arrest of any persons violating or charged with violating any of the criminal statutes of this State, but shall have such powers of arrest only on the aforementioned property.'

Therefore, such security guards would have the same authority that a sheriff would have on such property to enforce laws relating to the unlawful operation of motor vehicles.

As to whether the security guards could ticket vehicles for violating mall regulations such as improper parking, etc., I know of no state statutory authority which may be construed as authorizing the issuance of a summons for such purposes. Security guards, inasmuch as they are vested with the same authority and power as sheriffs, are authorized to issue uniform traffic tickets in those circumstances permitted by Section 40-17-130. However, such tickets may not be used to cite for the violation of a regulation promulgated by a private institution, such as a shopping mall.

If there are any questions concerning the above, please contact me.

Sincerely,

*2 Charles H. Richardson
Assistant Attorney General

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